<u>REMARKS</u>

By this Amendment, claims 63 and 68 have been amended without any intention of narrowing the scope of any of the claims. Applicants have amended the currently pending claims in order to expedite prosecution and do not, by this amendment, intend to abandon subject matter of the claims as originally filed or later presented. Moreover, Applicants reserve the right to pursue such subject matter in a continuing application. Claims 1 and 57-75 are pending in this patent application. Reconsideration of the rejections in view of the remarks below is requested.

Entry of the Amendment is proper under 37 C.F.R. §1.116 as the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not present any new issues that would require further consideration and/or search as the amendments merely amplify issues discussed throughout the prosecution; (c) do not present any additional claims without canceling a corresponding number of claims; (d) place the application in better form for appeal, should an appeal be necessary; and (e) were not made earlier because they are made in response to the points first presented in the final Office Action. Entry of the Amendment is thus respectfully requested along with withdrawal of the final Office Action.

Claims 63-75 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The rejection is respectfully traversed. While expressly disagreeing with the rejection, Applicant has amended independent claims 63 and 68 to recite a computer product embodied in a computer-readable media. Accordingly, Applicant requests that the rejection of claims 63-75 under 35 U.S.C. §101 be withdrawn and the claims allowed.

Claims 1, 57-61 and 63-75 stand rejected under 35 U.S.C. §102(a) as being anticipated by United States patent no. 5,815,657 to Williams et al. ("Williams et al."). The rejection is respectfully traversed.

Williams et al. disclose an electronic monetary system that provides for transactions utilizing an electronic-monetary system that emulates a wallet or a purse that is customarily used for keeping money, credit cards and other forms of payment organized. A graphical representation of the payment instruments is presented on the display to enable a user to select a payment method of their choice. Once a payment instrument is selected, a summary of the goods for purchase are presented to the user and the user enters an electronic approval

for the transaction or cancels the transaction. Electronic approval results in the generation of an electronic transaction to complete the order. Williams et al., Abstract.

Williams et al. further disclose that their monetary system comprises a Certificate Manager 304 that manages the automatic downloading of a consumer's certificate from a bank, validation of a consumer's and a merchant's certificates and automatic requisition of certificate renewal. The system further includes a Payment Manager 306 that coordinates and completes the payment request that is received from the merchant system. The payment request received contains the final GSO, Ship-To name, merchant certificate, merchant URL, coupons and the payment amount. The Payment Manager 306 then communicates with the payment related GUI component to interact with the consumer to authorize and complete the payment transaction. A user interfaces with the payment manager 430 via a user interface 400 that responds to and sends a variety of transactions 410, 408, 406, 404 and 402. The transactions include obtaining the next record, payment record, receipt, acceptance of the payment instrument and GSO components. In turn, the payment manager 430 sends transactions 414 and receipts 420 to a wallet manager 422 and receives payment instruments, certificates and private keys from the wallet manager 422. The payment manager 430 also sends and receives transactions to a protocol manager 470 including a merchant's payment message 460, a consumer certificate and PK handle 450, a merchant URL 442, a payment 440, a signed receipt 434 and a GSO, Selected Payment Protocol and Selected Payment Instrument 432.

However, Applicant respectfully submits that the cited portions of Williams et al. fail to disclose, teach or suggest a method of managing reliance in an electronic transaction system as recited in claim 1.

First, Applicant submits that the cited portions of Williams et al. fail to disclose, teach or suggest obtaining electronic signals representing a request for transactional assurance based on a transaction involving a subscriber as recited in claim 1. The Examiner indicates that "the Payment Manager [of Williams et al.] receives the request for transactional assurance (i.e., authorization to pay or payment) from the merchant." However, the cited portions of Williams et al. merely disclose a Payment Manager that acts as a conduit to direct a request for payment (not a request for authorization to pay because after all it is the consumer that is paying, not the merchant or the Payment Manager) by a merchant to a consumer, from the merchant to the consumer and to handle the payment from the consumer to the merchant. There is simply no indication that the merchant makes any type of request to the Payment Manager for assurance

regarding a transaction with the consumer. A request for payment is not an assurance provided regarding the transaction; rather, it is simply a request for a constituent component of the transaction. Similarly, there is no indication that the consumer makes any type of request to the Payment Manager for assurance regarding a transaction with the merchant. The Payment Manager simply manages the mechanics of a request for payment by a merchant and the payment by the consumer, the consumer and merchant assuming the risks regarding the transaction with each other, and is simply not configured to accept a request for assurance regarding a transaction.

Further, Applicant submits that the cited portions of Williams et al. fail to disclose, teach or suggest determining whether to provide the requested transactional assurance based on at least the subscriber assurance as recited in claim 1. While the cited portions of Williams et al. disclose that the Payment Manager receives and sends consumer and merchant certificates, they do not disclose, teach or suggest that the Payment Manager makes any decision based on any of those certificates, let alone whether to provide transactional assurance.

The cited portions of Williams et al. also fail to disclose, teach or suggest issuing electronic signals representing transactional assurance to a relying party as recited in claim 1. For example, there is no indication that the Payment Manager of Williams et al. is configured to issue any sort of assurance that the consumer's or merchant's certificate for the transaction is authentic or valid. Or, whether, for example, the Payment Manager is configured to issue any sort of assurance that the consumer or merchant exists and/or is in good standing. Or, more generally, whether the Payment Manager is configured to issue assurance regarding the transaction. The Payment Manager is merely an intermediary to facilitate the transaction between the merchant and consumer and does not facilitate issuance of any type of assurance regarding that transaction. Further, the Payment Window of Figure 34 of Williams et al. does not involve issuing signals representing transactional assurance to a relying party. The Payment Window is merely a vehicle for the consumer to issue payment to the merchant. It does not provide any assurance to the consumer that, for example, goods will be received, that the merchant is in good standing, etc.

Claims 57-62 depend from claim 1 and are, therefore, patentable for at least the same reasons provided above related to claim 1, and for the additional features recited therein.

For similar reasons as provided above, Applicant respectfully submits that the cited portions of Williams et al. fail to disclose, teach or suggest a computer program product,

embodied in a computer-readable media, comprising instructions for causing a computer to effect a method of managing reliance in an electronic transaction system as recited in claim 63.

For example, Applicant submits that the cited portions of Williams et al. fail to disclose, teach or suggest creating a reliance request message specifying at least one aspect of the transaction upon which a relying party intends to rely as recited in claim 63. Further, Applicant submits that the cited portions of Williams et al. fail to disclose, teach or suggest causing electronic signals representing the reliance request message to be sent to a reliance server requesting a transactional assurance for the aspect of the transaction upon which the relying party intends to rely as recited in claim 63.

Claims 64-67 depend from claim 63 and are, therefore, patentable for at least the same reasons provided above related to claim 63, and for the additional features recited therein.

For similar reasons as provided above, Applicant respectfully submits that the cited portions of Williams et al. fail to disclose, teach or suggest a computer program product, embodied in a computer-readable media, comprising instructions for causing a computer to effect a method of managing reliance in an electronic transaction system as recited in claim 68.

For example, Applicant submits that the cited portions of Williams et al. fail to disclose, teach or suggest receiving electronic signals representing a reliance request message, the message specifying an aspect of a transaction with a subscriber upon which a relying party intends to rely and requesting assurance for the aspect of the transaction as recited in claim 68. Further, Applicant submits that the cited portions of Williams et al. fail to disclose, teach or suggest determining whether to provide transactional assurance based on the reliance request message and generating electronic signals representing an indication of whether transactional assurance is available as recited in claim 68.

Claims 69-75 depend from claim 68 and are, therefore, patentable for at least the same reasons provided above related to claim 68, and for the additional features recited therein.

Because the cited portions of Williams et al. fail to disclose, teach or suggest the claimed subject matter of claims 1, 57-61 and 63-75, Applicant respectfully requests that the rejection under 35 U.S.C. §102(a) of claims 1, 57-61 and 63-75 based on Williams et al. be withdrawn and the claims allowed.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. If questions relating to patentability
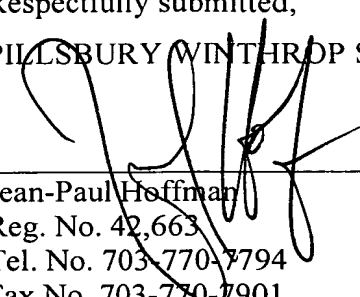
remain, the examiner is invited to contact the undersigned to discuss them.

Should any fees be due, please charge them to our deposit account no. 03-3975, under our order no. 061047/0268225. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced deposit account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Jean-Paul Hoffman
Reg. No. 42,663
Tel. No. 703-770-7794
Fax No. 703-770-7901

JGH
P. O. Box 10500
McLean, VA 22102
(703) 770-7900

400411420v1